

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Bhadradri Kothagudem District – Revision Petition filed by LR's of Late Chennupati Bhaskar Rao S/o Lakshmaiah R/o Laxmidevipalli village & Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) against orders of the Agent to Government at Khammam in CMA No.44/2001, dated 7.3.2003 and the Special Deputy Collector (Tribal Welfare), Palvancha in LTR case Nos.1145, 1146/93/KGM, dated 12.8.1998 in respect of land admeasuring acs. 1.19 gts in Sy.No.10/1, acs.0.03 gts in Sy.No.10/2, acs.1.27 gts in Sy.No.11/1, acs.1.04 gts in Sy.No.11/2 and acs.2.01 gts in Sy.No.12, total admeasuring acs.6.14 gts, situated in Laxmidevipalli village and Mandal (erstwhile Kothagudem Mandal of erstwhile Khammam District) of the present Bhadradri Kothagudem District – ALLOWED – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.62,

Dated: 09.10.2023.

Read the following:-

1. Orders of Special Deputy Collector (TW), Palvancha in LTR case Nos. 1145, 1146/93/KGM, dated 12.8.1998.
2. Orders of Agent to Government, Khammam in CMA No.44/2001, dated 7.3.2003.
3. Revision Petition filed by Late Chennupati Bhaskar Rao S/o Lakshmaiah, R/o Lakshmiddevipalli village & Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) dated 31.3.2003.
4. Govt.Memo & Letter No.35629/SWD/LTR/2003-1 & 2 dated 4.8.2003.
5. From the District Collector, Khammam District. Lr.Rc.No.F2-CMA-44/2001,(RP 35629/SWD/LTR/2003-1,dated 13-06-2008.
6. Affidavit submitted by Counsel for the Revision Petitioner, dated 28.04.2018.
7. Govt.Letter.No.35629/LTR-2/2003, dated 15.06.2017, 16.12.2017, 09.02.2018, 19.04.2018, 06.06.2018, 28.07.2018, 27.11.2019 and 20.12.2019, 14.02.2020 and 13.10.2020.
8. Written arguments submitted by Counsel for Revision Petitioner dated 16.11.2020.
9. Representation of Sri Chennupati Ramachander Rao dated 25.6.2022.
10. Additional written arguments submitted by Sri Chennupati Ramachander Rao dated 30.06.2022.

ORDER:

In the reference 3rd above, Late Chennupati Bhaskar Rao S/o Lakshmaiah, R/o Lakshmiddevipalli village & Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) has filed Revision Petition along with Stay Petition through his Counsel before the Government on 31.3.2003 under Section 6 of the AP Scheduled Areas Land Transfer Regulation 1/1959 against the orders of the Agent to Government at Khammam in CMA No.44/2001, dated 7.3.2003 and the Special Deputy Collector (Tribal Welfare), Palvancha now Bhadrachalam in LTR case Nos.1145, 1146/93/KGM, dated 12.8.1998 in respect of land admeasuring acs. 1.19 gts in Sy.No.10/1, acs.0.03 gts in Sy.No.10/2, acs.1.27 gts in Sy.No.11/1, acs.1.04 gts in Sy.No.11/2 and acs.2.01 gts in Sy.No.12, total admeasuring acs.6.14 gts, situated in Laxmidevipalli village and Mandal in the present Bhadradri Kothagudem District (erstwhile Kothagudem Mandal of erstwhile Khammam District), the history of the case is as follows:

2. In the reference 1st read above, the Special Deputy Collector (Tribal Welfare), Palvancha now Bhadrachalam had initiated LTR proceedings in case Nos.1145, 1146/93/KGM against Sri Balineni Venkata Mutyam (Non Tribal) as Petitioner and Sri Chennupati Bhaskar Rao i.e. the Revision Petitioner herein as Respondent and passed orders on 12.8.1988 – gist of which is as under:

- i) The respondent attended the court on 27.11.93, 9.12.93, 22.12.93 and on 17.7.98 but failed to produce any documentary evidence i.e. sale deed, pahani extract for the year 1969-70, 1970-71 except land

(Contd....2)

revenue receipts, even after affording sufficient time. As per the evidence place before this court, the transfer of immovable property belonging to non-tribal (petitioner) was made to non-tribal respondent in contravention of sub-section 1 of section-3 of Regulation 1/59 R/W 1/70 after commencement of the Regulation; as such it is null and void.

- ii) Therefore, directed the Mandal Revenue Officer, Kothagudem to take over land acs.1.19 gts (Sy.No.10/1), acs.0.03 gts (Sy.No.10/2, acs.1.27 gts (Sy.No.11/1), acs.1.04 gts (Sy.No.11/2) and acs.2.01 gts (Sy.No.12) situated in Laxmidevipalli village of Kothagudem Mandal, from the possession of Respondent into Government custody and assign the same to landless poor tribes as per rules in force.

3. In the reference 2nd read above, aggrieved by the above orders of the Special Deputy Collector (Tribal Welfare), Palvanha, the Revision Petitioner herein Sri Chennupati Bhaskar Rao had filed an Appeal before the Agent to Government at Khammam on 6.1.1999 which was numbered as CMA No.44/2001 and disposed on 7.3.2003 – gist of the order is as under:

- i) Verified pahanies for the years 1968-69, 1969-70, 1970-71, 1971-72 and 1972-73. Name of appellant was recorded in occupant's column in pahani 1968-69 and 1970-71 with different ink and different hand writing. Construed that entries were got recorded with an intention to come up on the record and also to substantiate the plea that was pleaded in the petition stating that his father was granted certificate of 38E under Hyderabad Tenancy and Agricultural Land Act, 1950 and it was inherited from his father. The appellant failed to file such certificate or any other documentary evidence in support of his claim.
- ii) Filed LR receipts for the year 1971-72, 1973-74 and 1974-75 and after 1980 onwards are available. The LR receipts for the year 1974-75 is on a white paper that too in the shape of a slip without any official seal and attestation of any officer. From the LR receipts for the year 1971-72 and 1973-74, it goes to show that the appellant entered into the land under Appeal after Regulation I of 1970. If at all he had in possession, he would have filed LR receipts prior to the above period either before the lower court or before the Appellate court. He has no evidence of having his possession over the land prior to the Regulation came into force. Thus, the appellant failed to establish his title over the land under the Appeal. The Appeal was dismissed upholding orders of the Special Deputy Collector (Tribal Welfare), Palvanha in LTR case Nos.1145 & 1146/93/KGM dated 12.8.1998.

4. In the reference 3rd read above, aggrieved by the orders of the Agent to Government, Khammam in CMA No.44/2001, dated 7.3.2003, the Revision Petitioner Sri Chennupati Bhaskara Rao S/o Lakshmaiah, R/o Lakshmidvipalli village, Kothagudem (M), Khammam District has filed the present Revision Petition before the Government on 31.3.2003 U/s.6 of the APSA LTR 1/59 R/W 1/70 along with Stay Petition urging the following grounds:

- i) Both the authorities erred in rejecting his claim even though the regulations have no application since the petitioner had acquired right and title by way of Patta under Hyderabad Tenancy and Agricultural Lands Act, 1950 and he is in possession since his forefathers. As such impugned proceedings are not only illegal but also liable to be declared as no jurisdiction.
- ii) 2nd Respondent had erred in rejecting the Appeal on the ground that the petitioner has not produced any material to show that he has acquired right under the Tenancy Act even though the petitioner had

(Contd....3)

filed all those documents along with Memorandum of Appeal itself. As such the impugned order has been passed mechanically without verifying the records filed by the petitioner.

- iii) Learned Agent ought to have seen that the Petitioner is not only having patta but also got Pouthybahli pass book which shows his long-standing possession even much prior to enactment i.e. 1/59.
- iv) Respondents 1 and 2 ought to have appreciated that even as per the department, the transaction is between non-tribal to non-tribal and no tribal interest is involved and the proceedings are unnecessary and intended only to harass the petitioner after lapse of so many decades.
- v) At any event the respondents 1 and 2 instead of rejecting the appeal on the ground of evidence could have called for old records as mentioned above. The Agent having called for pahanies ought to have called for the above old documents also to elicit real facts.
- vi) The observations of the learned Agent with regard to pahanies etc. is not cogent in view of the above mentioned old documents.

5. The following documents have been submitted along with the Revision Petition:

- i) Xerox copy of 38E Certificate issued by the Tahsildar, Palvanah certifying that Sri Chennupati Lakshmaiah is the Protected Tenant in respect of land admeasuring acs.6.38 gts.
- ii) Copies of pahanies.

6. In the reference 4th read above, Government have reject the request for stay of the orders dated 07.03.2003 in CMA No.44/2001 of the Agent to Government Khammam and communicated a copy of the Revision Petition to the Collector, Khammam to submit para-wise remarks and connected case records.

7. In the reference 5th read above, the District Collector, Khammam has submitted para-wise remarks and case record pertaining to the Appeal in CMA No.44/2001. The gist of the para-wise remarks is as under:

- i) According to Section 3 (1) (a) and 3 (2) (a) and Section 2 (g) of the Regulation 1/1959, any transfer of immovable property situated in the Agency tracts is null and void unless such transfer is not made in favour of a person, who is a member of Scheduled Tribe ore a Society registered or deemed to be registered under the AP Coop. Societies Act, 1964 (Act 7 of 1964) which should solely comprise of Scheduled Tribes; if any transfer of property is made in contravention of sub-sec. (1), the authorities may suomotu decree ejectment against any person in possession of the property claiming under the transfer and may restore it to the transfer or his heirs; and "Transfer" means mortgage with or without possession, lease, sale, gift, exchange or any other dealing with immovable property, not being a testamentary disposition. Therefore, it is not true that the authorities below erred in rejecting claim of petitioner even though he had acquired Right and Title by way of Patta under Hyderabad Tenancy & Agricultural Land Holdings Act, 1950 and the petitioner is in possession since his fore-fathers.
- ii) Revision Petitioner failed to produce documentary evidences despite affording sufficient time. As the transfer made by the petitioner therein itself is void and contrary to the provisions, the lower court ordered ejectment and the appellate authority also after thorough examination of the material documents confirmed lower court orders in CMA 44/2001 on 7.3.2003.

(Contd....4)

- iii) The Hon'ble High Court of AP Hyderabad in Writ Appeal Nos.78/91 and 1664/88 and Writ Petitions Nos.13377/86 and 13470/86 vide order dated 17.2.1993 confirmed that the transferee non-tribal is also not entitled to retain the property. The land in question located in Laxmidevipalli village which is notified as scheduled area by the order of President of India issued vide SRO No.1031, dated 7.12.1950. Therefore, the Schedule Laws are applicable in respect of the lands in question. Thus, the very contentions raised in the ground by the petitioner are baseless. Hence, denied.
- iv) He also failed to file the original alleged 38-E certificate. Further, whatever the land revenue receipts filed by the Revision Petitioner are only the slips written on white paper. As such they were not taken into consideration. Thus, construed that the Revision Petitioner has no documentary evidences in support of his claim.

8. In the reference 6th read above, Sri Chennupati Ramachandar Rao S/o late Chennupati Bhaskara Rao, R/o Sanjaynagar village, Laxmidevipally Mandal, Bhadradi Kothagudem District through their Counsel has filed an Affidavit before the Government deposing that his father i.e. the original revision petitioner Sri Chennupati Bhaskar Rao died on 7.1.2018 leaving behind him, his mother and married daughters as legal representatives – hence, prayed to bring the LRs on record. The Death Certificate certifying death of Sri Chennupati Bhaskara Rao was issued by the Gram Panchayat, Laxmidevipalli, Bhadradi Kothagudem District on 22.03.2018 – wherein the death of the revision petitioner was recorded as died on 7.1.2018 at H.No.5-32/40, Sanjaynagar, Laxmidevipalli Gram Panchayat and Mandal. Accordingly, the Legal heirs of the Revision Petitioner viz., 1) Chennupati Shiva Kumari (wife), 2) Chennupati Ramachander Rao (son), 3) M.Sumathi W/o Venkata Durga Srikanth (daughter) and 4) Ch.Krishnaveni (daughter).

9. In the reference 7th read above, notices were issued to all the parties to attend the hearing on 15.07.2017, 30.12.2017, 03.03.2018, 28.04.2018, 30.06.2018, 04.08.2018, 07.12.2019, 07.03.2020 and on 07.11.2020. On 07.11.2020 the Sri Chennupati Ramchander Rao S/o late Chennupati Bhaskar Rao (Revision Petitioner) and Counsel Sri TLK Sharma called present. Counsel prayed for grant of time for 2 weeks to file written arguments. Permitted.

10. In the reference 8th read above, the Counsel for Revision Petitioner has submitted the following Written Arguments before the Government on 17.11.2020:

- i) Petitioner is in peaceful possession and enjoyment of the agricultural land admeasuring acs.6.14 guntas in Sy.No.10/1, 10/2, 11/1 and 12 situated at Laxmidevipalli village, Kothagudem Mandal, Khammam district which is the ancestral property. Without appreciating the defense and facts on record, the 1st respondent had passed order for eviction on dated 12.8.1998 in LTR case No.1145,1146/93/KGM and the 2nd respondent i.e. Agent to Government also dismissed the Appeal on 7.3.2003 without verifying original records and their long standing possession.
- ii) Petitioner acquired the rights over four decades ago from his father, who is proved a tenant and granted tenancy certificate by the authorities under the provisions of Hyderabad Tenancy and Agricultural Land Act, 1950 – the provisions of LTR are not applicable since the petitioner had inherited the property from his father.
- iii) Revenue records for the years 1968-69, 1969-70, 1970-71, 1972-73 and 1999-2000 also show name of the petitioner in occupant column and in peaceful possession prior to the Act. But the learned 1st respondent has alleged that the entries for the years 1968-69 and 1970-71 are with different ink and different hand writings – which is baseless since it is not possible to have any access to make such entry into revenue records by the side of petitioners.

(Contd....5)

- iv) Learned Agent to Government ought to have seen that the original petitioner is not only having patta but also having pouthybahi book which shows his long standing possession even much prior to enactment i.e. 1/59.

11. Therefore, in view of the above and as the transaction is between non-tribal to non-tribal and no tribal interest involved, the petitioners prayed to set aside the impugned order in CMA No.44/2001, dated 7.3.2003 of the Agent to Government and allow the Appeal in the interest of justice.

12. In the reference 9th read above, the Revision Petitioner 3 viz., Sri Chennupati Ramachander Rao S/o late Bhaskar Rao has filed a representation before the Government stating that his counsel Sri TLK Sharma was expired on 23.6.2022 due to Covid and intending to file additional written arguments along with certain documents to substantiate his claim on the schedule property – therefore, requested for supply of copies of Revision Petition and its enclosures. Accordingly, copies have been supplied to him.

13. In the reference 10th read above, the Revision Petitioner 3 i.e. son of Revision Petitioner viz., Sri Chennupati Ramachander Rao S/o late Chennupati Bhaskar Rao has filed additional written arguments along with copies of pahanies issued by the Tahsildar, Laxmidevipalli from the year 1955 onwards till 2005-2006. The following are the additional written arguments submitted by the Revision Petitioner 3:

ADDITONAL WRITTEN ARGUMENTS BY PETITIONER 3:

- i) He is the only son of late Sri Chennupati Bhaskara Rao (Revision Petitioner) having been authorized by the Petitioners hereunder submit the following additional written arguments on his behalf and also on behalf of others petitioners 2,4 and 5.
- ii) The LTR case Nos.1145, 1146/93/KGM were initiated by the Special Deputy Collector (Tribal Welfare), Palvanha on the report of Special Deputy Tahsildar (Tribal Welfare), Palvanha dated 08.11.1993 against his father late Sri Chennupati Bhaskara Rao (1st Revision Petitioner herein) as Respondent while Sri Balineni Venkata Mutyam was proforma party.
- iii) The Special Deputy Collector (Tribal Welfare), Palvanha after conducting hearings passed orders on 12.8.1998 that his father had filed only land revenue receipts and did not file sale deed, pahani extract for the years 1969-70 and 1970-71 and construing that he failed to produce records related to the land admeasuring acs.6.14 gts situated in Laxmidevipalli village of erstwhile Kothagudem Mandal (Sy.No.10/1-ac.1.19 gts; Sy.No.10/2-ac.0.03 gts; Sy.No.11/1-ac.1.27 gts; Sy.No.11/2-ac.1.04 gts and Sy.No.12-ac.2.01 gts), passed ejectment orders directing the Mandal Revenue Officer, Kothagudem to take over the land into Government possession under cover of panchanama and assign the same to the landless poor tribals as per rules in force.
- iv) Aggrieved by the above orders, his father had filed the Statutory Appeal before the Agent to Government at Khammam (numbered as CMA 44/2001) under Rule (8) of AP Agency Rules, 1924. Accordingly, the Agent to Government, Khammam had admitted the CMA and disposed it on 7.3.2003 with the following findings:
 - a) Verified the pahanies i.e. village records for the years 1968-69, 1969-70, 1970-71, 1971-72 and 1972-73 and 1999-2000. As per the entries available, name of appellant is available in occupant's column against Survey No. and name of pattdar is recorded as Balineni Venkata Muthyam.
 - b) Name of appellant is recorded in occupant's column of the pahani for the years 1968-69 and 1970-71 with different inks and different hand

(Contd....6)

writings with an intention to come up on the record and also to substantiate the plea that was pleaded in the petition stating that his father was granted certificate of 38E under Hyderabad Tenancy and Agricultural Land Act, 1950. But the appellant failed to file such patta certificates or any other documentary evidences in support of his claim.

- c) The very contention of the appellant is that his father was given 38E patta certificate under Tenancy and Agricultural Land Act, 1950 and it was inherited by him from his father. In the absence of documentary evidences, oral evidence cannot be accepted.
- d) Land Revenue Receipts for the year 1971-72, 1973-74 and 1974-75 and after 1980 onwards are available. LR receipt for the year 1974-75 is on a white paper that too in shape of slip. The slip does not contain official seal and attestation of any officer. From the LR receipts of 1971-72 and 1973-74, it goes to show that the appellant entered into the land under appeal after the promulgation of Regulation 1/70. If at all he had possession of land, the LR receipts would have been filed by him prior to the above period either before the lower court or before this court. But, he did not choose to file the same. This proves that he has no evidence of having his possession over the land prior to the Regulation came into force and failed to establish his title over the land. Therefore, orders of lower court in LTR case No.1145 & 1146/93/KGM dated 12.08.1998 are upheld. Accordingly, the appeal is dismissed.
- v) Aggrieved by the orders of lower and appellate courts, his late father has filed the present Revision before the Government on 31.3.2003 contending as follows:
 - a) Both the authorities below erred in rejecting the claim even though the regulations have no application since the petitioner had acquired right and title by way of Patta under Hyderabad Tenancy and Agricultural Lands Act, 1950 and the petitioner is in possession since his forefathers. As such impugned proceedings are not only illegal but also liable to be declared as no jurisdiction.
 - b) The Agent to Government had erred in rejecting the appeal on the ground that the petitioner has not produced any material to show that he has acquired right under the tenancy act even though the petitioner had filed all those documents along with memorandum of appeal itself. As such the impugned order has been passed mechanically without verifying the records filed by the petitioner.
 - c) The learned Agent ought to have seen that the petitioner not only has patta but has also got Pouthybahi pass book which shows his long standing possession even much prior to enactment i.e., 1/59.
 - d) The Special Deputy Collector (Tribal Welfare), Palvanha and the Agent to Government ought to have appreciated that even as per the department the transaction is between non-tribal to non-tribal and no tribal interest is involved and proceedings are unnecessary and intended only to harass the petitioner after lapse of so many decades.
 - e) At any event, the lower and appellate authorities instead of rejecting the appeal on the ground of evidence could have called for old records as mentioned above. The Agent having called for Pahanies ought to have called for the above old documents also to elicit real facts.
 - f) The observations of the learned Agent to Government with regard to Pahanies etc. is not cogent in view of the above mentioned old documents.

(Contd....7)

- vi) His father i.e. original Revision Petitioner was expired on 07.01.2018 leaving behind him, his mother and two sisters. Therefore, they have filed Affidavit before the Government on 28.4.2018 to bring their names on record as they are the legal heirs.
- vii) On 17.11.2020, the following additional written arguments have been filed:
 - a) the original petitioner i.e. his late father and after his death they are in legal possession and enjoyment of the agricultural land admeasuring acs.6.14 guntas in Sy.No.10/1, 10/2, 11/1 and 12 situated at Laxmidevipalli village, Kothagudem Mandal, Khammam District which is ancestral property.
 - b) The 1st respondent i.e. Special Deputy Collector (Tribal Welfare), Palvoncha, Khammam District had initiated the proceedings against the original petitioner and ordered for eviction on 12.8.1998 in LTR case No.1145, 1146/93/KGM from the schedule land on the ground that the possession is contrary to AP (SA) LTR 1959 R/W Regulation 1/70 without appreciating the defense and facts on record.
 - c) Aggrieved on the above, the original petitioner had filed an appeal before the 2nd respondent i.e. Agent to Government which was also dismissed on 7.3.2003 without verifying the original records and our long standing possession.
 - d) The deceased original petitioner has filed the present revision before the Government on 31.3.2003 by raising several grounds. The original petitioner and his successors herein are in possession of immovable property and enjoyment from a very long time as it was by the original petitioner about four decades ago from his father, who is a proved tenant and was also granted tenancy certificate by the authorities under the provisions of Hyderabad Tenancy and Agricultural Land Act, 1950 – hence, provisions of LTR are not applicable since the original petitioner had inherited the property from his father. Both the courts below had passed order without verifying records when the said records for the years 1968-69, 1969-70, 1970-71 and 1972-73 and 1999-2000 also show name of the petitioner in occupant column and in peaceful possession prior to the Regulation.
 - e) The 1st respondent i.e. Special Deputy Collector (Tribal Welfare), Palvancha had erred that the entries for the years 1968-69 and 1970-71 are with different inks and different hand-writings, which is a baseless allegation since it is not possible for the petitioners to have any access to make such entry into revenue records.
 - f) The 2nd respondent i.e. the Agent to Government, Khammam had erred in rejecting the appeal on the ground that the petitioner has not produced any material to show that he has acquired right under the Tenancy Act, even though the original petitioner had filed all those documents along with the Appeal itself. As such the impugned order has been passed mechanically without verifying the records.
 - g) The Agent to Government, Khammam ought to have seen that the original petitioner is not only having patta but also having pouthybahi pass book which clearly show his long standing possession even much prior to enactment i.e. 1/59.
- viii) The pahanies of the years 1955-58, 1960-61, 1962-63, 1975-76, 1992-93, 1993-94, 1994-95, 1995-96, 2002-03 and 2005-06 have been obtained from the Tahsildar, Laxmidevipalli and submitted herewith. The details of entries found in their favour are shown hereunder for favourable consideration of the Government.

(Contd....8)

Year	Sy. No.	Extent	Pattedar	Occupant
1955-58	10	1.33	Balineni Venkata Mutyam/ Veeraiah	Chennupati Lakshmaiah, Protected Tenant
	11	3.06	"	"
	12	2.01	"	"
1960-61	10	1.33	Balineni Venkata Mutyam/ Veeraiah	Chennupati Lakshmaiah,
	11	3.06	"	"
	12	2.01	"	"
1962-63	10	1.33	Balineni Venkata Mutyam	Chennupati Lakshmaiah
	11	3.06	"	"
	12	2.01	"	"
1975-76	10/1	1.19	Balineni Venkata Mutyam	Chennupati Bhaskar Rao
	10/2	0.03	"	"
	11/1	1.27	"	"
	11/2	1.04	"	"
	12	2.01	"	"
1992-93	10/1	1.19	Balineni Venkat Mutyam	Chennupati Bhaskar Rao
	10/2	0.03	"	"
	11/1	1.27	"	"
	11/2	1.04	"	"
	12	2.01	"	"
1993-94	10/1	1.19	Balineni Venkata Mutyam	Chennupati Bhaskar Rao
	10/2	0.03	"	"
	11/1	1.27	"	"
	11/2	1.04	"	"
1994-95	10/1	1.19	Balineni Venkata Mutyam	Chennupati Bhaskar Rao
	10/2	0.03	"	"
	11/1	1.27	"	"
	11/2	1.04	"	"
1995-96	10/1	1.19	Balineni Venkata Mutyam	Chennupati Bhaskar Rao
	10/2	0.03	"	"
	11/1	1.27	"	"
	11/2	1.04	"	"
	12	2.01	"	"
1997-98	10/1	1.19	Balineni Venkata Mutyam	Chennupati Bhaskar Rao
	10/2	0.03	"	"
	11/1	1.27	"	"
	11/2	1.04	"	"
	12	2.01	"	"
2002-03	10/1	1.19	Balineni Venkata Mutyam	Chennupati Bhaskar Rao
	10/2	0.03	"	"
	11/1	1.27	"	"
	11/2	1.04	"	"
2005-06	10/1	1.19	Balineni Venkata Mutyam	Chennupati Bhaskar Rao
	10/2	0.03	"	"
	11/1	1.27	"	"
	11/2	1.04	"	"

- ix) He has submitted that all the above records amply corroborate and establish our rightful possession and enjoyment prior to the Regulation 1 of 1959 and its amended Regulation 1 of 1970 came into force in the scheduled areas as his grandfather late Sri Chennupati Lakshmaiah was the protected tenant of the land which was subsequently inherited to his father i.e. the original Revision petitioner late Sri Chennupati Bhaskar Rao and presently under their enjoyment and occupation being his legal heirs after his death on 7.1.2018.

14. Therefore, in view of the above facts and circumstances, the Revision Petitioners prayed the Government to kindly set aside impugned order passed by the Agent to Government, Khammam in CMA No.44/2001, dated 07.03.2003 and

(Contd.....9)

allow the Revision Petition filed by the original petitioner late Sri Chennupati Bhaskar Rao along with Implead Petitions filed by his Legal Heirs as Revision Petitioners 2 to 5, in view of their legitimate possession and enjoyment.

15. FINDINGS:

- The lower authority i.e. Special Deputy Collector (Tribal Welfare), Palvancha in LTR case Nos.1145, 1146/93/KGM, dated 12.8.1998 has arrived at the conclusion that the non-tribal respondent i.e. Revision Petitioner-1 herein had failed to produce any documentary evidence i.e. sale deed, pahani extract for the year 1969-70, 1970-71 except land revenue receipts.
- The appellate authority i.e. Agent to Government, Khammam in Appeal in CMA No.44/2001, dated 7.3.2003 has arrived at the conclusion that name of the respondent i.e. Revision Petitioner-1 herein was recorded in occupant's column in the pahanies of 1968-69, 1969-70, 1970-71, 1971-72 and 1972-73 (name written with different ink and different hand writing in the pahanies of 1968-69 and 1970-71). The respondent i.e. Revision Petitioner-1 herein pleaded that his father was granted certificate of 38E under Hyderabad Tenancy and Agricultural Land Act, 1950 and it was inherited from his father, but he failed to such certificate or any other documentary evidence in support of his claim. LR Receipts filed for the years 1971-72, 1973-74, 1974-75 and after 1980 onwards are available of which receipt for the year 1974-75 is on a white paper without any official seal and attestation.
- The contention of the Revision Petitioners is that they are in peaceful possession and enjoyment of the agricultural land admeasuring acs.6.14 guntas in Sy.No.10/1, 10/2, 11/1 and 12 situated at Laxmidevipalli village, Kothagudem Mandal, Khammam District being ancestral property inherited from father (Chennupati Lakshmaiah, a proved tenant) of the Revision Petitioner 1. i.e. late Chennupati Bhaskar Rao who acquired it from its original pattedar Sri Balineni Veeraiah, under the provisions of Hyderabad Tenancy and Agricultural Land Act, 1950. In support of this, the Revision Petitioner-1 had filed copy of 38E Certificate before the lower and appellate authorities which is found available in their records. Therefore, it is not correct to say that the Appellant had orally said that his father was given 38E certificate under Tenancy Act, 1950. The copy of the 38-E certificate issued by the Tahsildar, Palvancha Taluk also have corroborative evidence i.e. Teensal Pahani 1955-58 issued by the Tahsildar, Laxmidevipalli Mandal for Laxmidevipalli village – wherein name of Chennupati Lakshmaiah i.e. father of Revision Petitioner-1, father-in-law of Revision Petitioner-2 and grandfather of Revision Petitioners 3 to 5 is found in Col.No.13 as Protected Tenant – thus it amply proves that the land under dispute is acquired by father of Revision Petitioner-1 through 38-E Certificate under Tenancy Act which was inherited to Revision Petitioner-1 and after his death now under the possession and enjoyment of Revision Petitioners-2 to 5 being his legal heirs.
- Further, the Revision Petitioners herein cannot be made responsible for different hand-writing with different ink found in the pahanies of 1968-69 and 1970-71 as they will not have any access to the official record of the Tahsil Office and this might have taken place while making entries from time to time by custodian officials present at that time.
- The Revision Petitioner Sri Chennupati Bhaskar Rao S/o late Lakshmaiah was expired on 7.1.2018 leaving behind his wife, son and two daughters. As they being Legal Heirs of the Revision Petitioner, they are brought on record as Legal Representatives/Legal heirs of the Revision Petitioner treating them as Revision Petitioners 2 to 5.

16. Government, therefore, after careful examination of the entire case, keeping in view above findings based on the contentions/written arguments, documentary evidences placed before by the Counsel for Revision Petitioner hereby ALLOW the Revision Petition filed by Late Chennupati Bhaskar Rao and Implead Petitions filed by his Legal Heirs treating them Revision Petitioners 2 to 5, in respect of the land in respect of the land under dispute i.e. acs.1.19 gts in Sy.No.10/1, acs.0.03 gts in Sy.No.10/2, acs.1.27 gts in Sy.No.11/1, acs.1.04 gts in Sy.No.11/2 and acs.2.01 gts in Sy.No.12, total admeasuring acs.6.14 gts, situated in Laxmidevipalli village and Mandal (erstwhile Kothagudem Mandal of erstwhile Khammam District) of the present Bhadradri Kothagudem District, duly setting aside orders of the 1) Special Deputy Collector (TW), Palvancha now Bhadrachalam in LTR case Nos.1145, 1146/93/KGM, dated 12.8.1998 and Agent to Government, Khammam (now Bhadradri Kothagudem District) in CMA No.44/2001, dated 7.3.2003.

17. The Agent to Government & District Collector, Bhadradri Kothagudem District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Agent to Government & District Collector,
Bhadradri Kothagudem District(By RPAD)

The Special Deputy Collector (Tribal Welfare), Bhadrachalam,
Bhadradri Kothagudem District (By RPAD)

Smt.Chennupati Shiva kumari, LR & W/o. late Chennupati Bhaskara Rao,
Sanjayanagar (V), Laxmidevipally (M),
Bhadradri Kothagudem District. (By RPAD)

Sri Chennupati Ramanchandar Rao, S/o. late Chennupati Bhaskara Rao,
R/o. Sanjaya Nagar(V), Laxmidevipally(M),
Bhadradri Kothagudem District. (By RPAD)

Smt. M.Sumathi, W/o.Venkara Durga Srikanth,
S/o. late Chennupati Bhaskara Rao
R/o. 6-25, Near Vijaya Residency Apartments, Kajipeta,
Guntupalle, Krishna District, Andhra Pradesh. (By RPAD)

Smt. Ch. Krishnaveni, D/o. late Chennupati Bhaskara Rao,
R/o. 12-50, 12th Block, Ramchandrapur (V &M) Medak District. (By RPAD)

Sri Balineni Venkata Mutyam R/o Palvoncha (V & M)
Bhadradri Kothagudem District. (By RPAD)

Copy to:

The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam
Bhadradri Kothagudem District.

M/s. T.L.K. Sharma (late) & S.Balu Mahendra Advocates,
1-3-183/40/68/C/2, Near Play Ground No.II,
SBI Colony, Gandhinagar, Hyderabad (By RPAD)

The Tahsildar, Lakshmedevipalli Mandal,
Bhadradri Kothagudem District (By RPAD)

(With a direction to serve the copy of GO to concerned parties).

The P.S to Hon'ble Minister(STW)

The P.A to Secretary(TW)

The P.A to Special Secretary(TW).

SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.